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G.O. No.

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[Despatch Abstract.]

L.A.Q. Separation of the judiciary from the Executive- Implementation of the scheme- Papers Recorded.

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Extracts from the L.Assembly proceedings dated 14-7-1948.

SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE.

*21 Q:--- M.S. Ataullah Sahib Bahadur (on behalf of Mohamed Raffeudin Ahmad Ansari Sahib Bahadur): Will the Hon. the Premier be pleased to state----

(a) whether the scheme for the separation of the Judiciary from the Executive is ready for enforcement;

(b) if not, at what stage the scheme is; and

(c) whether the Government would place the scheme for approval of the Legislature before it is brought into effect?

The Hon. Sri B. Gopala Reddi (On behalf of Hon. the Premier): "(a) Very nearly ready.

(b) Does not arise.

(c) After orders are passed by the Government on the subject, the papers will be laid on the table of the House for information of the Hon. Members."

Mohamed Abdul Salam Sahib Bahadur:- "May I know, Sir, whether the sepration of the Judiciary from the Executive is in the charge of the Premier or Mr. Madhava Menon?"

Mr. Speaker:- "I think, yesterday this question was put."

The Hon. Sri B. Gopala Reddi:- "In the charge of the Premier".

M.S. Ataullah Sabib Bahadur:- "May I ask, Sir, the reasons for this inordinate delay in brining this scheme into operation?"

The Hon. Sri B. Gopala Reddi:- "The High Court has to be consulted the Board of Revenue has to be consulted, and various decisions have to be taken by the Government".

Begum Sultan Mir Amiruddin:- "May I know, Sir, when the recruitment of officers in implementation of the scheme is likely to take place and which will be the body that will recruit the officers?"

The Hon. Sri B. Gopala Reddi:- "I cannot say the exact time when the recuitment will take place. As for the recruiting body, it will obviously be the Public Services Commission."

Muhammad Raza Khan Sahib:- "May I know, Sir, the reasons why this important matter, the separation of the Judiciary from the Executive is not in the hands of Mr. Madhava Menon who is a tried and experienced lawyer but is in the hands of the Premier? What are the definite reasons for it?"

Begum Sultan Mir Amiruddin:."May I know, Sir, whether recuritment will take place from among the members of the Bar only or from the Provincial Services also?"

The Hon Sr. B. Gopala Reddi:- "A separate question may be put, Sir, As far as I can see, a certain proportion from the Bar also will be recuited."

M. Muhammad Ismaill Sahib Bahadur:- "Sir, when this question was raised yesterday on the floor of the House, the Hon. the Leader of the House said that this separation of the Judiciary from the Executive would not cost anything to the Government.

Am I to understand, Sir, that no new officers are going to be appointed except for the vacancies that may be created by the retirement of the existing officials?"

The Hon. Sri B. Gopala Reddi:- "For the information of the Hon. Members I may say that the tentative proposals of the Cabinet Sub- Committee are-----"

M. Muhammad Ismail Sahib Bahadur:- "I want to know whether it will not cost anything more to the Government".

The Hon. Sri B. Gopala Reddi:- "No Sir."

Mohamed Abdul Salam Sahib Bahadur:- "There seems to be a division of this portfolio between the Kerala and Tamil Nad Ministers. What about a share for an Andhra Minister, Sir?"

The Hon. Sri B. Gopala Reddi:- "I do not understand the question".

Muhammad Raza Khan Sahib:- "Is it not a fact, Sir, that this portfolio of law is entrusted in almost all the provinces to an eminent lawyer, and if it is so, why has some deviation bee made in this Province? The Hon. the Leader of the House may give a reply without observing a self-imposed silence?"

The Hon. Sri B. Gopala Reddi:- "It is not a fact that the Law Department has always been in the hands of eminent lawyers. During the Advisers' regime, the portfolio was in the hands of I.C.S. men".

M. Muhammad Ismail Sahib Bahadur:- "My question has not been answered, Sir. I wanted to know whether no new officials will be appointed as a result of the separation, because the Leader of the House stated that it will cost nothing to the Government".

The Hon. Sri B. Gopala Reddi:- After the separation a number of officers will have to be retrenched. As far as we could see the number will be:- -

Subdivisional Magistrates.	30
Estate Land Deputy Collectors	4
Additional First-class Magistrates	53
Deputy Tahsildars	38
Stationary Sub-Magistrates	190

"In their places other people will be recruited."

P.K. Moideen Kutty Sahib Bahadur:- "Is it not a fact, Sir, that the Hon. Minister, Mr. Madhava Menon, in charge of Law, made a statement in a speech that this scheme will cost the Government three lakhs of rupees?"

The Hon. Sri B. Gopala Reddi:- "I may say, Sir, that the recommendations of the Committee are undergoing changes."

Muhammad Raza Khan Sahib:- "Is it not a fact, Sir, that such an important subject as this will be much better dealt with by a lawyer than a non-lawyer, and, if so, what are the reasons why it is not entrusted to a lwyer like Mr. Madhava Menon?"

The Hon. Sri B. Gopala Reddi:- "I do not accept the statement that a lawyer alone can deal with this matter. Any administrator can deal with the matter."

Mohamed Abdul Salam Sahib Bahadur:- "Arising out of the answer to clause(c) and the assurance given by the Hon. the Leader of the House may I ask whether no appointments will be made before the House discusses the matter and given its suggestions to the Government?"

~~The Hon. Sri B. Gopala Reddi:- "I did not say that the matter~~

The Hon Sri B. Gopala Reddi:- "I did not say that the matter will be placed before the House for discussion. I only said that the papers will be laid on the table of the House for the information of hon. Members."

Abdul Hameed Khan Sahib Bahadur:-"May I ask whether the Government propose to separate the High Court from the Executive?"

The Hon. Sri B. Gopala Reddi:- "Yes, Sir, the High Court from the country also".

M. Muhammad Ismail Sahib Bahadur:- "When the new appointments are made as a result of the separation, will those appointments be made by the Services Commission, Sir?"

The Hon. Sri B. Gopala Reddi:- "It is too early to say anything about it. We have not taken a final decision. The hon. Member may put a question later on."

Sri V.M. Ramaswami Mudaliyar:- "In view of the importance of the question of the separation of the executive from the Judici may I know whether the Government are in a position to give us the time when the scheme will be finalized?"

The Hon. Sri B. Gopala Reddi:- " It may be this month or it may be in two months. I cannot say definitely when a final decision will be taken".

Sri B.S. Murthi:- "Is it a fact, Sir, that four lists have been drawn up for appointments when the Judiciary has been separated from the Executive, list A plus , list a minus, list B minus and list B minus? If so, may I know whether sufficient care has been taken to see that Harijans are not left out from the lists?"

The Hon. Sri B. Gopala Reddi;- "It is a very top secret matter, Sir. I cannot say anything about it."

Sri T. Viswanathan:- "In view of the assertion of the Hon. the Leader of the House that the portfolio of law can be administered by anyone although he is not a lawyer, is it proposed by the Government to abolish the portfolio of law?"

The Hon. Sri B. Gopala Reddi:- "No, Sir, we do not take the hon. Members' suggestion very seriously."

Sri Alluri Satyanaryana Raju:- "In view of the fact that the Indian National Congress has promised long ago that the Executive will be separated from the Judiciary, may I know whether the Government is really serious about seeing that the Executive and the Judiciary are separated very early?"

The Hon. Sri B. Gopala Reddi:- "Because the Congress took up this question as early as 1885, the Government are trying to implement it now."

True Copy

Government of Madras.
Abstract.

L.A. Question- Separation of the Judiciary from the Executive- Implementation of the scheme- Papers recorded.
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